



62434US (49004)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mark RUKAVINA et al.	)	
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Serial No.: 09/864,885	)	Confirmation No. 2287
	)	
Filed: May 25, 2001	)	Group Art Unit: 3623
	)	
	)	Examiner: Jeanty, Romain
	)	
For: <b>E-LEARNING TOOL FOR</b>	)	
<b>DYNAMICALLY RENDERING</b>	)	
<b>COURSE CONTENT</b>	)	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMERCIAL SUCCESS DECLARATION**  
**OF MELISSA ONDO UNDER 37 C.F.R. § 1.132**

I, Melissa Ondo, declare as follows:

1. I am a citizen of the United States residing at 3502 E. Onyx Ave, Phoenix, AZ 85028.
2. I am the Sr. Manager of Product Marketing for Thomson NETg. Thomson NETg is a business entity related to Thomson Global Resources GMBH, the Assignee of the above-identified patent application. While I have described in detail below our volumes of different types of current clients, Thomson Corporation corporate policy prohibits that the revenue derived from these clients be disclosed individually. Thomson Learning, however, does release revenue numbers that encompass all Thomson Learning businesses. This information can be found at:  
[http://www.thomson.com/investor\\_relations/company\\_snapshot/](http://www.thomson.com/investor_relations/company_snapshot/)

3. I began working for a company called KnowledgeNet about eight years ago. KnowledgeNet, through various transactions, has become a part of Thomson NETg. Since joining KnowledgeNet, I have been actively involved in marketing products and services to clients.
4. KnowledgeNet's business (previously and now through Thomson NETg) has been directed principally toward online education of students. During the year 2000 timeframe, a new platform was developed by KnowledgeNet called the Monsoon™ learning platform. The architecture of the Monsoon™ learning platform is built around a dynamic rendering engine that permits online learning to be conducted in new and effective ways.
5. Specifically, the dynamic rendering engine of the Monsoon™ learning platform permits dynamic rendering of content in response to an input of a student enrolled in an online course. This dynamic rendering feature can be contrasted, for example, with online learning systems that have generally static (fixed) content. In a system with static content, the web pages that a student sees are generally pre-authored long before they are delivered to a student. In contrast, with a dynamic rendering system, in accordance with one example, the layout and content of a webpage is not finally determined until a student clicks on an icon requesting the next page in a lesson.
6. In response to the input of a user such as a student, a template, which can be thought of as a framework, is populated with content from modules known as learning objects. Learning objects are subsets of the content of the platform that are stored in one or more databases and include, for example, text, video and audio clips.

7. In accordance with one example, the student input can be a response to an assessment item that is designed to see if a student has mastered a learning objective, such as determining whether a student has obtained a particular level of proficiency in a subject. Based on the response to the assessment item, the Monsoon™ learning platform is able to determine the appropriate portions of learning objects to be used to populate the template to create the page of course content that is displayed to the student. However, the specific course content experienced by a particular student is actually individualized to that student. Thus, even when taking the same course, different students may end up being exposed to significantly different content – content that is rendered in response to the student's particular needs.

8. In my experience marketing services and products in connection with the Monsoon™ learning platform, a basis for customer demand I have seen repeatedly in Requests for Proposals (RFPs) includes the requirement to create an individualized course for each student. Since the dynamic rendering engine of the Monsoon™ platform is adapted and configured to dynamically render individualized course content in response to a student input, the Monsoon™ platform can simultaneously conduct individualized online learning sessions for, quite literally, hundreds of thousands of students. As such, this particular feature of the Monsoon™ platform answers the customer demands in certain RFPs.

9. Another feature of the Monsoon™ platform that has individually contributed to commercial success is the authoring tool and learning objects created using the authoring tool. Each learning object can include, for example, course content, a learning objective and an assessment item. Changes made to learning objects (e.g., updates) are

immediately applied across all courses that reference the learning object, permitting rapid updates to many courses simultaneously. In contrast, in prior systems having static, fixed content, each e-learning course requiring a particular update would have to be edited manually to change the content to reflect the updates – a process that is both time consuming and expensive. However, using the authoring tool to create learning objects facilitates comparatively inexpensive and easy updates because only one learning object is edited that actually may serve as a portion of a myriad of different courses.

10. In my view, the commercial success enjoyed by the Monsoon™ learning platform is not attributable principally to the learning content that a customer can license from NETg. While learning content is supplied by Thomson NETg to these customers, it is the unique functionality of the Monsoon™ learning platform that permits individualized course content creation to an enormous number of online learners. In fact, at present, there are over 1,350,000 active learners at over 100,000 client companies that are being given individualized course instruction through the Monsoon™ learning platform in this manner under license from Thomson NETg.

11. Since January 1, 2006, there have been over 4,200,000 course launches by active learners (a course launch represents each time a student begins a new course using the Monsoon™ learning platform). Since January 1, 2005, there have been over 7,300,000 course launches by active learners. In 2006, to date, there have been over 15,000,000 active enrollments via the Monsoon™ learning platform. It can be seen that providing individualized course content to all of these students would be a massive undertaking without the Monsoon™ platform, assuming it were even possible at all.

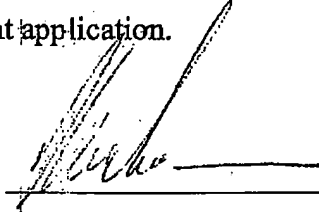
12. While many customers have licensed the Monsoon™ learning platform in connection with content available from Thomson NETg as indicated above, there are many customers that have licensed only the underlying Monsoon™ learning platform without content provided by Thomson NETg.

13. Instead of licensing content from Thomson NETg, these customers use the Monsoon™ platform to author their own content (sometimes with assistance from NETg consultants) to create their own online courses for the specific use of training their employees. The customers have specifically licensed the Monsoon™ learning platform to take advantage of the dynamic rendering engine that permits the use of individualized learning objects. This permits easy updates to the learning objects by the client, which saves the client time and money. Customers that have leveraged the Monsoon™ learning platform in this manner are in various industries, including, for example, the semiconductor industry, information technology, manufacturing, and hospitality industries. Presently, 156 companies utilize the Monsoon™ platform in this manner, using it to educate their employees. Of these clients, approximately 1,400 author licenses are presently in force, wherein each author license provides a license for a client content creator to develop content, for example, at the client location.

14. In summary, it is my view that the commercial success of the Monsoon™ learning platform is due principally to technical features as I have described above. Although the Monsoon™ learning platform is actively marketed, in my view, no extraordinary marketing activities have been undertaken that would account for the commercial success of this product. Ultimately, in my view, the Monsoon™ learning platform has been commercially successful because of its features.

15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any patent issuing from this patent application.

October 26, 2006

A handwritten signature in dark ink, appearing to read "Melissa Ondo", is written over a horizontal line.

Melissa Ondo